

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of William R. Kennedy et al. Art Unit 3677
Serial No. 10/706,190
Filed November 12, 2003
Confirmation No. 5982
For MINE DOOR SYSTEM WITH TRIGGER-ACTUATED LATCH MECHANISM
Examiner Michael J. Kyle

August 30, 2006

REPLY BRIEF

This is a reply to the Examiner's Answer mailed July 19, 2006. Appellants' reply is being filed to respond to arguments made by the Examiner for the first time in the Examiner's Answer. Particularly, appellants take this opportunity to address some of the Examiner's comments set forth in the Response to Argument section (pages 7-15) of the Examiner's Answer.

Claim 1

The Examiner has failed to establish any suggestion or motivation to combine a) Clavin with Kennedy or b) Landis with Kennedy to produce the invention recited in claim 1. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. §2142 citing *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The Examiner simply makes unsupported assertions that the references can be combined, and fails to provide any motivation or suggestion why one of ordinary skill in the art would do so.

Claim 2

Claim 2 requires, in part, that actuation of the trigger causes the release of the detent **from** the sear. Contrary to the Examiner's statement, the sear and detent have to be in direct contact. Otherwise the sear could not be released from the detent.

Claim 14

The Examiner asserts that Clavin's latch has positions corresponding to the cocked and uncocked positions of the claimed detent (see page 9, lines 15-18). However, Clavin's latch actually has a handle having cocked and uncocked positions. The detent of Clavin does not have cocked and uncocked positions, but rather latched (Fig. 3) and unlatched positions (Fig. 1).

Claim 28

Landis teaches a dual spring system having a main spring 9 and a secondary spring 28. The main spring has a greater force than the second spring, which is a necessary feature to maintain Landis' latch in the latched position. In the latched position (see Fig. 1 of Landis), the plunger of Landis (which the Examiner has characterized as corresponding to the claimed detent) is biased toward the latched position. If the Landis plunger was biased toward the unlatched position when it is in the latched position as asserted by the Examiner, the Landis latch would not be able to stay latched. In other words, the forces that act on the plunger push or bias the plunger into the jamb plate 25, or into the latched position.

Nothing in Appellants' own invention contradicts this position. As clearly shown in Fig. 5A of appellants'

specification, the spring 97 applies a force to the detent 51 that biases the detent away from the latched position when it is in the latched position.

Claim 29

Simply stated, adjacent frame members of a door frame (i.e., a side frame member and either the top or bottom frame member) are not in opposed relationship, nor are they facing each other, as asserted by the Examiner.

Claim 31

The spring 9 of Landis is not a sear as asserted by the Examiner. Instead, spring 9 is simply a spring. More particularly, the spring 9 biases the plunger in a direction away from the spring. The spring 9 does not hold the plunger nor is the plunger released from the spring when the trigger is actuated. The claimed sear, as recited in claim 31, holds the detent in the latched position and actuation of the trigger causes the detent to be released from the sear.

Claim 34

As clearly shown in Fig. 5, Landis fails to disclose a door system having a handle mounted on the door independent of the trigger. Instead, the buttons 6, 7 of Landis are mounted in the handles 4, 5. Thus, Landis fails to show a handle mounted on the door independent of the trigger as recited in claim 34.

Conclusion

In addition to the reasons set forth in appellants' Appeal Brief, the rejections of the claims on appeal are in error for the reasons set forth above. Therefore, appellants again request that the Examiner's rejections of claims 1-3, 12-16, and 28-34 be reversed.

Appellants do not believe that any fee is due. However, the Commissioner is hereby authorized to charge any deficiency or overpayment of any fees to Deposit Account No. 19-1345.

Respectfully submitted,



Michael G. Munsell, Reg. No. 43,820
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

MGM/PEB/bcw